

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for indicating that the drawings, filed on January 12, 2010, are acceptable, and for carefully considering this application.

Disposition of Claims

Claims 1-18 are currently pending. Claim 1 is independent. The remaining claims depend, directly or indirectly, from claim 1.

Claim Amendments

Claim 1 is amended by way of this reply to clarify aspects of the invention. Further, claims 2 and 6 are amended for consistency with the amendments to claim 1. No new subject matter is added by way of this reply as support may be found in the claims as filed.

Rejection(s) under 35 U.S.C. § 102

Claims 1-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 6,384,494 ("Avidano"). For the following reasons, this rejection is respectfully traversed.

For anticipation under 35 U.S.C. § 102, "[a] claim is anticipated only if *each and every element* as set forth in the claims is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added). Moreover, "[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic." MPEP § 2112 citing *In re Rijckaert*, 9 F.3d 1531, 1534 (Fed. Cir. 1993)

(emphasis added). In other words, for inherency, the certain result or characteristic must be necessarily present to establish inherency. MPEP § 2112.

The claimed invention relates to a fan provided with a motor, where the motor is cooled by an air flow created by the fan. The invention aims at avoiding bypass circulation of air flow in order to maximize the cooling effect of the fan. Accordingly, the claimed invention requires, in part, “the central part of the support comprising a hole configured to receive, at least partially, said motor, and wherein said central part of the support is configured to hold said motor.” Applicant respectfully asserts that Avidano fails to disclose the aforementioned limitation.

In order to support the rejection, the Examiner cites the aspiration duct 44 and the rear body 40 of Avidano. However, Avidano is completely silent with regards to either the aspiration duct 44 or the rear body 40 being a support, as required by the claimed invention.

Moreover, the cited portion of Avidano merely states that “[t]he rear body 40 may advantageously be formed integrally with a support structure to which the motor-driven fan 1 is fixed and defining a passage 46 for conveying the air stream caused in operation by the main blades 28 of the fan. In this case the aspiration duct 44 can be formed at least partly in a spoke of this support and conveying structure.” Action, p. 9 and Avidano, col. 3, ll. 59-67. The mere fact that the rear body may be formed with a support structure fails to disclose how the motor is supported. Namely, Avidano is silent as to the location of the support structure. For example, the motor may be supported through a different part of the support structure than the portion connected to the rear body. Because the support structure portion supporting the motor may not be through the rear body, it is not necessarily present in Avidano that the rear body provides the support. Thus, Avidano fails to expressly or inherently disclose “the central part of the support

comprising a hole configured to receive, at least partially, said motor, and wherein said central part of the support is configured to hold said motor” as required by the amended claims.

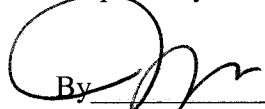
In view of the above, it is clear that the Examiner’s contentions fail to support an anticipation rejection of independent claim 1. Pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17258/002001).

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Respectfully submitted,

By 

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